



CITY OF HAYWARD AGENDA REPORT

Planning Commission

Meeting Date 06/12/03

Agenda Item 4

TO: PLANNING COMMISSION

FROM: David Rizk, AICP, Associate Planner
Andrew Gaber, P.E., Development Review Engineer

SUBJECT: Site Plan Review PL-2003-0177/Vesting Tentative Map Tract 7436 PL-2003-0178 - The Olson Urban Housing LLC (Applicant)/City of Hayward Redevelopment Agency (Owner) - Request to Construct 46 Condominium Residences on 1.95 Acres

The Property Is Bounded by Atherton, Watkins, "C" and "D" Streets within the Central City Residential (CC-R) Sub-District

RECOMMENDATION:

Staff recommends that the Planning Commission recommend to the City Council:

- that the project is categorically exempt from environmental review, pursuant to Section 15332 of the California Environmental Quality Act Guideline (Infill Development Projects);
- approval of the Site Plan Review application, subject to the attached findings and conditions of approval; and
- approval of Vesting Tentative Map Tract 7436, subject to the attached findings and conditions of approval.

DISCUSSION:

Setting

The property is referred in the City of Hayward Downtown Redevelopment Plan as "Site 4" and is comprised of one city block bordered by Watkins, Atherton, "C" and "D" Streets. The project excludes the Heringer parcel, which contains a single-family residence, located in the southwest portion of the block (see attached area map). The site is surrounded by townhomes located across Atherton Street (Atherton Place development), townhomes across "C" Street (City Walk development), the Hayward main library and plaza across Watkins Street and vacant parcels directly across "D" Street. The property is comprised of 17 parcels that previously contained a mixture of vacant and commercially or residentially developed parcels.

All of those previous uses, including a service station/ automobile repair business, have been discontinued and associated buildings demolished.

The property has a General Plan land use designation of High-Density Residential in the Downtown-City Center Area. It is located in the Central City – Residential (CC-R) zoning subdistrict within the City of Hayward's Downtown Redevelopment Area. Additionally, the site is located in the area covered by the City's *Core Area Plan*. The *Core Area Plan*, which is a component of the *Downtown Hayward Design Plan*, serves to "create a densely developed, mixed use, pedestrian oriented downtown neighborhood." The *Plan* identifies the subject property as a primary target for new housing development that would take advantage of the surrounding civic amenities. High-density housing is envisioned to repopulate the downtown, increase demand for the businesses in the area and maximize the use of public transit.

The City's Redevelopment Agency owns the property and is negotiating a disposition and development agreement with the Olson Company. The Agency Board will hear this agreement in early July, when the City Council reviews the proposed development. In coordination with the Redevelopment Agency, the 22 upper flats are to be designated for sale to moderate-income households.

Project Description

The 46 condominium units are proposed within 13, two-story buildings that consist of 3 architectural styles: Craftsman (4 buildings), Spanish Colonial (4 buildings) and French Country (5 buildings). The development would be unique when compared to other recent developments in the downtown area in that buildings would have separate, distinct architectural styles. The front entrances to all units would be located along Watkins or Atherton Streets, providing convenient access to buses and BART, as is encouraged in the *Core Area Plan*. Two of the buildings (#1 and #13) are proposed as duplexes at the northeast and southwest corners of the site, two buildings (#5 and #6) would be triplexes located along Watkins Street to the east of the Heringer parcel, with the middle units in each being second-story flats and the other nine buildings would be four-plexes, with the two interior units in each serving as second-story flats. The units are proposed in 4 different floor plans as either 2 or 3-bedroom units and would range in size from 1,096 to 1,508 square feet.

The project density is 27.5 units per acre, excluding the proposed central private drive. The *Core Area Plan* calls for a minimum density of 30 dwelling units per net acre for the site and surrounding areas to the north, east and west. However, the *Core Area Plan* also indicates that the minimum density along "D" Street to the south of the site is 25 units per net acre. The proposed development would help to serve as a transition between the higher density developments in the central core area and areas to the south along "D" Street.

Site Plan Review

Architecture

The project design is a contemporary urban adaptation of a row house/flat combination, with the three architectural styles helping each building visually “read” as a separate, distinct structure. Each building contains enhanced architectural features along front and street-facing elevations, as well as recessed and protruding sections that help break the visual massing of the buildings.

The five French Country style buildings are proposed to have distinguishing features of exposed stone around arched entrances or undulating stucco finishes to represent stone under the stucco finish. Shutters and window details throughout the buildings also help to strengthen the French Country style. To further enhance the style, staff recommends that the roof pitches along the front elevations be steepened, and has included such recommendation as a condition of approval. Exterior siding is proposed to be light-colored stucco, with roof material proposed to be high-profile composition shingles.

The four Craftsman style buildings contain typical elements, such as low-pitched gabled roofs over front entrances, tapered columns with stone bases at porches, and wood potshelves and corbels and simulated wood shingle siding along the front and street-side elevations. The remaining portions of the building exteriors are proposed to be faced with light, warm-colored stucco, compatible with colors of surrounding buildings. Wood fascia, trim and deck and balcony railing are also proposed, consistent with the Craftsman style. Roof material is proposed to be high-profile composition shingles. Sheet 16 in the plan set shows an enhanced left-side elevation for building #7 that would face “D” Street.

The four Spanish Colonial style buildings contain typical elements, such as painted metal railings, including Juliet balconies on the second floors, simulated clay pipe vents, miscellaneous metal details, white or beige stucco exteriors and concrete tile roofs. Sheet 16 in the plan set shows the enhanced left-side elevation for building #8 that would face “C” Street.

Open Space

In the downtown core area, at least 100 square feet of open space must be provided for each residence that meets specified minimum dimensions, or 4,600 square feet total. This project provides this open space in the form of private areas comprised of front decks and patios and upper floor balconies, which total 7,950 square feet. Also, the project would provide an additional 4,670 square feet of open space, consisting of areas that do not meet the minimum standards of the Code, such as those areas between buildings and narrower portions of front entry decks. Overall, the project would provide approximately 274 square feet of private open space per unit.

The City’s Zoning Ordinance also indicates that at least 30 square feet per unit be provided as group open space unless the approving authority “reduces this amount or

waives the requirement where an alternative open space design would be more appropriate to the shape or terrain of the parcel or tenant character or location of the property.” No group open space is proposed for the development. The *Core Area Plan* states, “Today, Library Square contains no active uses and is primarily a visual amenity to the downtown. Its open lawn area arrayed with mature trees provides a park-like environment to surround the library building at its center, yet its lack of benches, play structures, etc., has limited its use. As the downtown core is repopulated, Library Square should take on an expanded role as a center of community and recreational activity in the core.” Due to the close proximity of the main library plaza to the development, the excess square footage of private open space to be provided and the limited number of dwelling units, staff would recommend that the group open space requirement be waived. Staff would also recommend that the \$69,000 in-lieu park dedication fees to be collected be specifically allocated and used by the City for improvements to existing downtown park facilities and/or construction of a new playground at the library plaza or in one of the open spaces surrounding City Hall.

Regarding the private, fenced spaces between buildings, staff recommends that they be reconfigured to allow each space to be 10 feet in depth, as opposed to the currently proposed five feet. This would also allow the doors from the garages leading to such areas to be in different locations in facing units. Also, staff recommends that the areas be moved to be primarily adjacent to garages, as opposed to living areas, consistent with the locations shown for the areas between buildings #1 and #2 and between buildings #12 and #13. This relocation would allow common area landscaping to be installed between buildings adjacent to living areas, as opposed to adjacent to garages, to provide more privacy for occupants.

Parking

A total of 90 on-site parking spaces are proposed in garages. With the exception of the two triplexes, parking for all units is proposed in tandem-parking, two-car garages. Parking for the triplexes is proposed in standard two-car garages, with the middle units having one-car garages. All garages would face the interior of the property on a central private drive running between “C” and “D” Streets. Thirty-two vehicles can also be accommodated along Atherton and Watkins Streets. The City’s Zoning Ordinance requires 1.5 on-site parking spaces per unit in the CC-R subdistrict, for a total of 69. The *Core Area Plan* states, “Given the transit-oriented redevelopment area, the rate [1.5 spaces per unit] is sufficient to accommodate potential needs... It is preferable to discourage high auto use by families occupying housing close to downtown and to major transit facilities.” Typically, 10 percent of the required number of parking stalls should be devoted to guest spaces, which in this case, would be 7 stalls. Given the 34 available on-street parking stalls, staff believes there would be adequate space available for guest parking.

Landscaping, Fences and Landscape Features

Landscaping is proposed between and in front of buildings along the streets, and along the private drive and in between buildings at the rear of the buildings, including around the

Heringer property (see landscape plan, sheet 5 of the plan set). Also, new street trees to complement the existing street trees are proposed around the perimeter of the site. Staff is recommending that the proposed sidewalks leading to the front entrances of the two flats in the duplexes that would run parallel to "C" and "D" Streets be reconfigured to run perpendicular to the buildings rather than parallel to them, to allow for more landscaping at the northeast and southwest corners of the site. Staff is also recommending that a new magnolia tree be planted along "D" Street to complement the existing four magnolia trees. Finally, staff is recommending that no fencing be allowed within the setbacks along "C" and "D" Streets, but that an architectural feature, similar to the trellises shown on sheet 8 of the plan set for the two duplexes, be provided for the four units along "C" and "D" Streets. The pedestrian doors off the garages for these four units should also be eliminated, for security purposes.

Vesting Tentative Tract Map and Utilities

The project is a proposed condominium subdivision that will allow for ownership of each unit. A homeowners association will maintain the common private driveway, private utilities, and all common areas.

The existing storm drain, water and sanitary sewer facilities abutting the subdivision can adequately serve the project. The sanitary sewer main within the subdivision shall be a public system, owned and maintained by the City of Hayward. The on-site storm drain system shall be a private system owned and maintained by the homeowners association.

The electrical, phone, and cable systems have all been undergrounded around the project.

Environmental Review

An EIR was completed and accepted in 1986 for the entire Redevelopment Area and later a Negative Declaration was adopted for *The Core Area Plan*. The project is consistent with both the Redevelopment Plan and *The Core Area Plan*. An EIR was certified for the Downtown Hayward Redevelopment Plan Amendment in 1998 (the Burbank amendment), and a subsequent EIR was certified for another Plan Amendment in 2001. This project introduces no changes in circumstances that indicate the need for further environmental review. Therefore, this project meets the requirements of a Class 32 Categorical Exemption for in-fill development projects in urban areas.

As a recommended condition of approval, noise impacts from traffic and buses along Watkins, "C" and "D" Streets will be addressed and incorporated into building designs. Upgraded windows may be required to ensure interior noise levels are appropriate and transparent, solid barriers may be required to ensure exterior noise levels for useable private open spaces (e.g., second-story balconies facing "C" and "D" Streets) will be at acceptable levels.

Regarding site clean up from contamination associated with previous uses, environmental site assessments and remediation activities have been completed and accepted by the City. The Hayward Fire Department has forwarded such assessments to the Regional Water Quality Control Board with a recommendation that no further remediation action is warranted. Although there is no formal case that presently exists for the site, the City is currently awaiting concurrence from the Board that no further action is required.

The project will not significantly impact traffic circulation and levels of service of roadway sections and intersections in the project vicinity.

PUBLIC NOTICE:

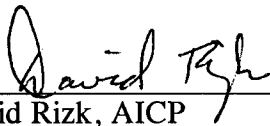
On March 21, 2003 a notice was mailed to property owners and residents within 300 feet of the property boundaries, to the Hayward Area Planning Association and to all other known interested parties advising them that the City had received a development application for the site. Staff received comments in response to the notice from surrounding residents in regards to the lack of group open space and guest parking on the property. (See discussion regarding parking and group open space above.)

On June 2, 2003, a public hearing notice was mailed to property owners and residents within 300 feet of the property, to the Hayward Area Planning Association and all other interested parties who requested such notice. No response to the notice has been received to date.

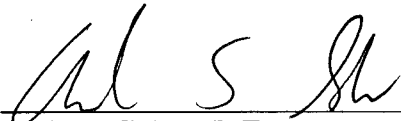
CONCLUSION:

The Core Area Plan cites the redevelopment of this site as being critical as both a pedestrian strategy, by reestablishing walking routes to and from the core, and as a strategy for catalyzing future private development in the area. High-density housing is shown in the *Core Area Plan* for the subject site in order to repopulate the downtown, increase demand for the businesses in the area and maximize the use of public transit. Recommendations in the Plan suggest that the entrances to the units be from the public streets, and the placement of windows and other features be placed along the street to create a lively pedestrian environment. This project proposed by The Olson Company is consistent with these goals and the design envisioned for the downtown core. This project also proposes a new housing type for downtown Hayward with an urban architectural design consisting of distinct architectural styles that complements the downtown area.

Prepared by:

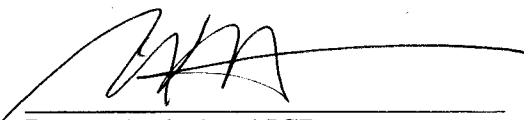


David Rizk, AICP
Associate Planner



Andrew Gaber, P.E.
Development Review Engineer

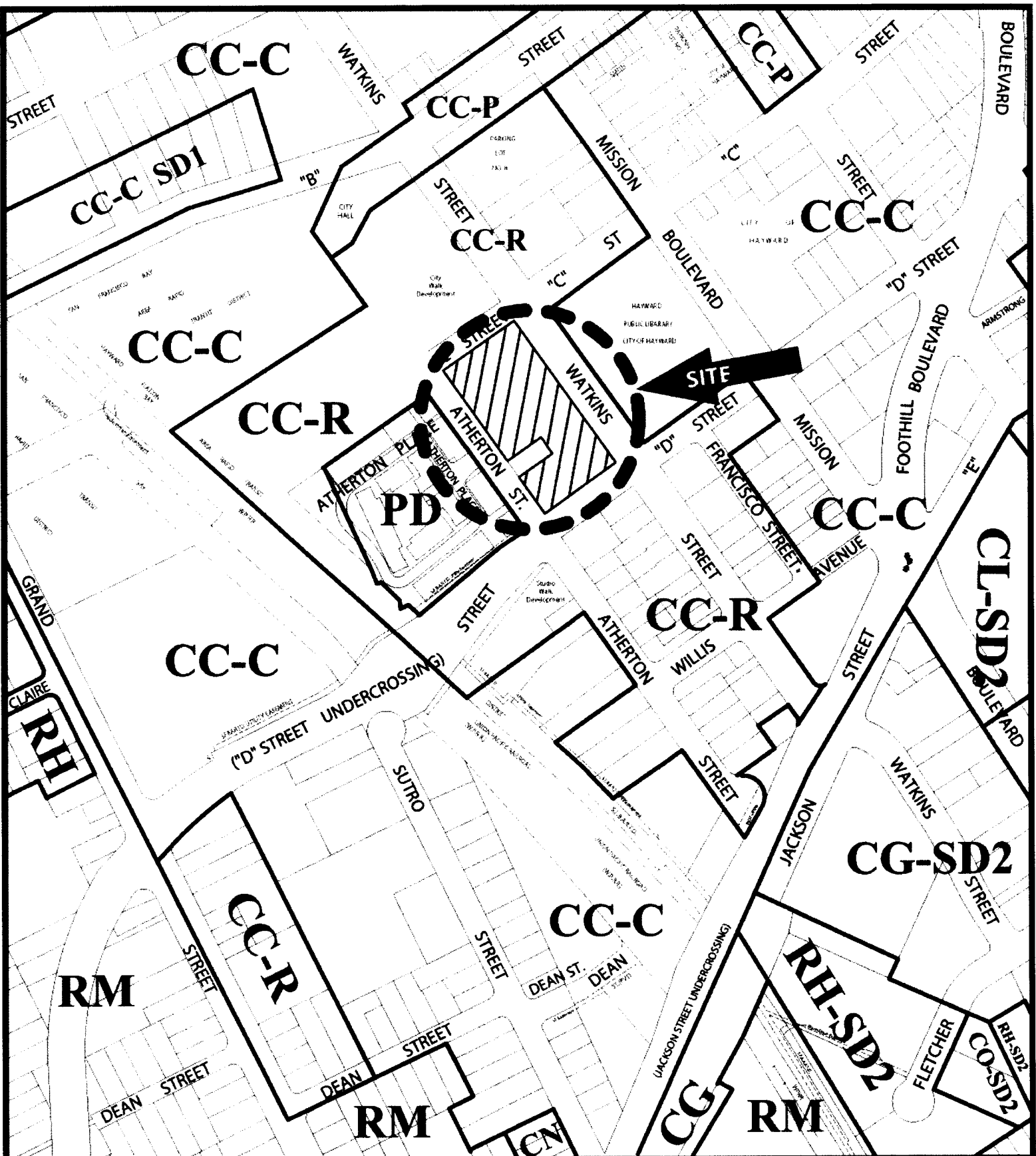
Recommended by:



for Dyana Anderly, AICP
Planning Manager

Attachments:

- A - Area Map
- B - Findings for approval - SPR 2003-0177
- C - Conditions of approval - SPR 2003-0177
- D - Findings for approval - VTTM 7436
- E - Conditions of approval - VTTM 7436
- Vesting Tentative Map and Project Plans



Area & Zoning Map

PL-2003-0177 SPR/TTM7436

Address: Watkins/C Street/D Street
/Atherton Block

Applicant: The Olson Company

Owner: City of Hayward Redevelopment Agency

CC-C-Central City-Commercial

CC-P-Central City-Plaza

CC-R-Central City-Residential

CG-General Commercial

CL-Limited Access Commercial

CN-Neighborhood Commercial

CO-Commercial Office

PD-Planned Development

RH-High Density Residential

RM-Medium Density Residential

SD-Special Design



ATTACHMENT A

FINDINGS FOR APPROVAL
SITE PLAN REVIEW
APPLICATION NUMBER PL-2003-0177
Block bordered by Atherton, C, Watkins and D Streets

1. The proposed development is within the scope of the development examined in the program EIR for the Downtown Hayward Redevelopment Plan. In addition, significant or potentially significant impacts have been or will be avoided or mitigated pursuant to the attached conditions of approval, including those related to noise and site contamination remediation, which allows the project to be considered a Class 32 Categorical Exemption, per the California Environmental Quality Act;
2. The development is compatible with on-site and surrounding structures in that the proposed height, bulk and scale are appropriate and provide a transition from the main library building to the east and other development to the south, to the three-story dwelling units that face Atherton Street within the Atherton Place development to the west and the three-story "City Walk" units that face "C" Street to the north. Also, the unique project component that consists of three distinct architectural styles will be a desired feature in the downtown area, with the front and side street-facing elevations containing enhanced features to further the development's attractiveness;
3. The development and recommended conditions of approval take into consideration physical and environmental constraints in that noise associated with vehicular traffic will be mitigated with features integrated into building design, vehicular circulation will be adequately addressed with a new private drive and property entrances and exits that meet City standards, and fenced patios proposed along "C" Street for buildings #1 and #8 and along "D" Street for buildings #8 and #13 will be eliminated, along with associated doors from the garages that lead to them;
4. The development complies with the intent of City development policies and regulations in the *Core Area Plan*, the Downtown Hayward Redevelopment Plan and the General Plan, including those that promote higher densities near the BART station and transit corridors and those that encourage dwelling units with entrances fronting onto public streets with desired pedestrian-oriented features, and, with conditions of approval, the development is consistent with the requirements of the CC-R (Central City-Residential) Zoning Subdistrict;
5. The development will be operated in a manner determined to be acceptable and compatible with surrounding development in that multiple-family residences are similar to other developments in the area and the project would provide landscape screening between the existing Heringer residence and new units; and
6. Regarding group open space, there are special circumstances applicable to the development due to its location directly across Watkins Street from the library plaza and due to the amount of private open space provided within the development that would warrant waiving the requirement for on-site group open space.

CONDITIONS OF APPROVAL
SITE PLAN REVIEW
APPLICATION NUMBER PL-2003-0177
Block bordered by Atherton, C, Watkins and D Streets

1. Site Plan Review Application No. PL-2003-0177 is approved subject to the specific conditions listed below. This permit becomes void two years from the effective date of the approval, unless prior to that time a building permit has been accepted for processing by the Building Official, or a time extension is approved. If a building permit is issued, the site plan review approval will become void two years after the issuance of the building permit, or three years after the effective date of the approval of the site plan review application, whichever is later, unless the construction authorized by the building permit has been substantially completed or substantial sums have been expended in reliance upon the site plan review approval.
2. This approval is tied to Vesting Tentative Map Tract 7436 and all conditions of approval of that map shall also apply to this approval.
3. The final vesting map shall be filed and approved by the City and recorded in the County Records Office prior to the issuance of a Certificate of Occupancy of any unit.

Architecture

4. Building designs, colors and materials shall be in accordance and consistent with those reflected in the submitted plans and sample materials board, to be approved by the Planning Director. No changes to colors shall be made after construction unless previously approved by the Planning Director.
5. The pitches of roofs for the front elevations of the French Country style buildings shall be steepened to reflect the proposed style, with the final design to be approved by the Planning Director.
6. A noise study shall be conducted by a qualified noise consultant and submitted to the City that addresses noise impacts to both interior and exterior spaces in the development. Design and construction plans shall incorporate the recommendations of such study to ensure compliance with City noise level standards for all interior spaces and for street-facing second-floor balconies.
7. The garage or side patio of each unit shall include a storage closet that contains at least 90 cubic feet of storage space, as required by Code. If located in the side patio, such closet shall not project above fence lines. An automatic garage door opening mechanism shall be provided for all garage doors and shall be maintained in working order.

8. Mailboxes shall be grouped within covered decorative shelters, with the location, design, material and color of these structures to be consistent with the overall project design theme and to be approved by the Planning Director.
9. All above-ground utilities, mechanical equipment and water meters shall be enclosed within the buildings or shall be screened with shrubs and/or an architectural screen, to be approved by the Planning Director.
10. No fencing or air conditioning units are allowed along "C" and "D" Streets. Air conditioning units shall be screened with a decorative screen and landscaping, to be approved by the Planning Director before installation. A provision of the homeowners' association will require approval of the screening devices for air conditioners.
11. No exterior pedestrian doors off garages are allowed along "C" or "D" Streets.
12. Buildings #1, #7, #8 and #13 that are located along "C" and "D" Streets shall contain attached trellises along the streets, similar to those shown for buildings #1 and #8 in the submitted plan set.
13. Downspouts and other rain collection facilities shall be enclosed within the structure.
14. No mechanical equipment shall be placed on the roof unless it is completely screened from view by the proposed roof structure. Roof apparatus, such as vents, shall be painted to match the roof color.
15. Up to two project identification signs may be permitted on the property. The signs shall conform to the City's Sign Ordinance regulations, with the locations to be approved by the Planning Director. Sign design, colors, and materials shall reflect the architectural style of the project and shall be approved by the Planning Director.
16. All parking stall dimensions shall conform to the City's Off-street Parking Ordinance. The four, two-car garages proposed for the two triplexes (Buildings #5 and #6) shall provide a minimum clearance of 20 feet of width, per City standards.
17. Park dedication in-lieu fees are required for each dwelling unit. Fees shall be those in effect at the time the vesting tentative map application submittal was deemed complete (April 21, 2003). The \$1,500 per unit (\$69,000 total) in-lieu park dedication fees to be collected shall be specifically allocated and used by the City for improvements to existing downtown park facilities and/or construction of a new playground at the library plaza or in one of the open spaces surrounding City Hall.

Landscaping, Fences, Walls and Entry Features

18. The height of the six-foot tall wooden "good neighbor" fence proposed around the perimeter of the Heringer property shall be reduced to be no more than four feet in height in the required front yard area, and shall utilize high-quality materials, to be approved by the Planning Director.
19. The *Dodonea* shown on the landscape plan should be listed under shrubs rather than trees, since shrubs used as trees are usually extremely high maintenance and are not desirable.
20. The *Sun Azaleas* shown on the landscape plan are generally not available as a fifteen-gallon plant and should be shown as five-gallon shrubs.
21. The *Cotoneaster* shown on the landscape plan is not a reliable groundcover especially when it is young and it is also subject to fireblight. Therefore, a different groundcover acceptable to the City Landscape Architect shall be used.
22. An additional magnolia tree to complement the existing four magnolia trees is required along the southern portion of the development along "D" Street.
23. The landscape plans shall show all existing street trees.
24. The proposed private entry sidewalks leading to the front entrances of the two upstairs flats in Buildings #1 and #13 are to be reconfigured to run perpendicular to the buildings rather than parallel to them, to join with the public sidewalks along "C" and "D" Streets, to allow for more landscaping.

Lighting/Security

25. Decorative pedestrian lighting, complementary to the architecture, shall be installed as appropriate throughout the interior of the site. Cut sheets and photometrics for all exterior lighting shall be submitted for Planning Director approval. Light poles, if proposed, shall not exceed 16 feet in height.
26. Street lighting, if proposed, shall utilize fixtures that match existing street lighting fixtures in the area.
27. All applicable requirements of the City's Security Ordinance (Ord. No. 90-26 C.S.) shall be met.

Prior to the Issuance of a Building Permit

28. The developer shall participate in the City's recycling program during construction.

Homeowners' Association

29. Prior to the sale of any individual unit, or prior to the acceptance of tract improvements, whichever occurs first, a homeowners' association shall be created to maintain the buildings, common area landscaping and open space amenities, drainage systems, including the following:
 - a. Buildings.
 - b. Fences, gates and walls.
 - c. Site features, garden structures and signage.
 - d. Landscaping and irrigation throughout the site, including along the private drive, and between the public sidewalks and buildings along the streets.
 - e. Private streets and walks.
 - f. Site lighting.
30. Prior to the sale of any individual unit, or prior to the acceptance of tract improvements, whichever occurs first, the applicant/developer shall establish a homeowners' association, and prepare Conditions, Covenants and Restrictions for the development, which shall be submitted for review and approved by the Planning Director and include the following conditions:
 - a. Each owner shall automatically become a member of the association and shall be subject to a proportionate share of related expenses.
 - b. The Homeowners Association shall be responsible for maintaining the interior private street, which includes decorative paving and related drainage and oil separator facilities, and the street lighting fixtures. If utility repair underneath the decorative pavement becomes necessary, the homeowners association will be responsible for replacing the decorative paving.
 - c. A reserve fund shall be maintained to cover the costs of replacement and repair.
 - d. The association shall be managed and maintained by a professional property management company.
 - e. In the event the Heringer parcel becomes available and is developed with a condominium building similar to the surrounding complex, the homeowners association shall grant vehicular access rights from the private drive to the Heringer parcel.
 - f. In the event the Heringer parcel becomes available, the City's Redevelopment Agency, the developer or the developers' successors in interest acquire it, and if the Heringer parcel is developed with a condominium building similar to the surrounding complex, the CC&R's shall be modified to include the additional units and property owners associated with the Heringer parcel.
 - g. Provisions for towing unauthorized vehicles from the site

- h. A requirement that a Architectural Review Committee be established to review and approve all exterior improvements; including fences, walls or changes to individual homes to ensure consistency with the CC&Rs.
- i. The site shall be maintained in good repair, and free of debris at all times.
- h. A requirement that the building exteriors and walls shall be maintained free of graffiti. The owner's representative shall inspect the premises on a weekly basis and any graffiti shall be removed within 48 hours of inspection or within 48 hours of notification by the City's Community Preservation Officer.
- i. The homeowners' association shall maintain the irrigation system and maintain the landscaping in a healthy, weed-free condition at all times. The owner's representative shall inspect the landscaping on a monthly basis and any dead or dying plants (plants that exhibit over 30% dieback) shall be replaced within 10 days of first notification.
- j. Landscaping and irrigation shall be maintained in all common areas or the City shall have the right to enter upon the property to maintain the exterior portions of the common area at the expense of the homeowners association per Section 10-3.385 of the City's Subdivision Ordinance.
- k. All trees shall be preserved in accordance with the Tree Preservation Ordinance; a tree removal permit is required prior to the removal of any tree.
- l. Trees shall not be severely pruned, topped, or pollarded and any trees that are pruned in this manner shall be replaced with a tree species selected by, and size determined by the Landscape Architect, within the timeframe established by the City and pursuant to the Municipal Code.
- m. Each resident shall participate in the City's garbage collection and recycling program.

**FINDINGS FOR APPROVAL
TENTATIVE TRACT MAP 7436**

1. The approval of Vesting Tentative Map Tract 7436, as conditioned, will have no significant impact on the environment, cumulative or otherwise. The project is Categorically Exempt per Section 15332 of the California Environmental Quality Act (CEQA), In-Fill Development Projects.
2. The vesting tentative tract map substantially conforms to the State Subdivision Map Act, the City's Subdivision Regulations, the General Policies Plan, and the City of Hayward Zoning Ordinance.
3. The site is physically suitable for the proposed type of development.
4. The design of the subdivision and the proposed improvements are **not** likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
5. The design of the subdivision and the proposed improvements are **not** likely to cause serious health problems.
6. Existing streets and utilities are adequate to serve the project.
7. None of the findings set forth in Section 64474 of the Subdivision Map Act¹ have been made.

¹ The findings of Section 66474 set forth the grounds for denial of a tentative map which are as follows:

- (a) That the proposed map is not consistent with applicable general and specific plans as specified in Section 65451.
- (b) That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.
- (c) That the site is not physically suitable for the type of development.
- (d) That the site is not physically suitable for the proposed density of development.
- (e) That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
- (f) That the design of the subdivision or type of improvements is likely to cause serious public health problems.
- (g) That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property with the proposed subdivision.

**CONDITIONS OF APPROVAL
VESTING TENTATIVE TRACT MAP 7436**

For Condominium Purposes
Block bordered by Atherton, C, Watkins and D Street

Unless otherwise stated, all necessary easements shall be dedicated, and all improvements shall be designed and installed at no cost to the City of Hayward.

All improvements shall be designed and constructed in accordance with the City of Hayward Municipal Code – Chapter 10, Article 3, and Standard Specifications and Details – unless otherwise indicated hereinafter.

The applicant/developer's engineer shall perform all design work unless otherwise indicated.

PRIOR TO THE RECORDATION OF THE FINAL MAP

The final map shall show a parcel surrounding the Heringer parcel (Alameda County Assessor's Parcel Number 428-0071-036), which shall be dedicated to the City of Hayward Redevelopment Agency prior to the sale of the first unit on the property. This buffer parcel shall be landscaped and otherwise improved by the Developer to buffer the Heringer property from the Site, and be maintained in good condition at its sole cost by the Homeowners Association that will be created by the Developer to maintain the Site.

IMPROVEMENTS

Improvement plans shall be submitted to the City Engineer for review and approval. Subject plans shall, in addition to the standard improvements, incorporate the following special design requirements:

STREETS

Interior Private Drive

1. The private drive shall have a 24-foot-wide curb to curb width allowing for two 12-foot-wide travel lanes.
2. The private drive shall be designed with a depressed centerline and a PCC valley gutter located in the center. The valley gutter design and driveway cross-section shall be approved by the City Engineer.
3. The private driveway curb returns shall have a minimum face-of-curb radius of 20 feet and shall include handicap ramps when adjacent to sidewalks. The street and handicap ramp designs shall be approved by the City Engineer.
4. No parking shall be allowed within the private drive right-of-way. "No Parking" signs shall be installed along both sides of the private drive.

5. Decorative pavement e.g. interlocking pavers or stamped colored concrete, or bands of decorative paving, etc. shall be installed at the entrance and various locations within the subdivision, as shown on the vesting tentative map. The Planning Director shall approve the material, color and design and the City Engineer shall approve the pavement section for the decorative paving.
6. The onsite streetlights and pedestrian lighting shall have a decorative design approved by the Planning Director and the City Engineer. The locations of the lights shall be shown on the improvement plans and shall be approved by the City Engineer.
7. Upon any necessary repairs to the facilities under the on-site decorative paved areas, the City shall not be responsible for the replacement cost of the decorative paving. The replacement cost shall be borne by the homeowners association established to maintain the common areas within the subdivision boundary.

Public Streets

8. New curb, gutter, sidewalk, pavers and tie-in paving, shall be installed along the project frontage of "C" Street, Watkins Street and Atherton Streets. Improvements shall conform to City Standard Details and shall be approved by the City Engineer.
9. The Developer shall overlay Watkins Street at the completion of underground utility work with a 1 inch asphalt overlay.
10. The Developer/Contractor shall take every reasonable precaution to protect all underground electrical facilities, including those for street lights, traffic signal interconnect and traffic signal loop detectors during construction. All existing utility facilities and improvements damaged during construction shall be completely restored at the Developers/Contractors expense and to the satisfaction of the City Engineer.

Storm Drainage

11. The subdivision storm drain system shall be a private system owned and maintained by the homeowners association.
12. The Hydrology and Hydraulics Criteria Summary, Alameda County Flood Control and Water Conservation District, latest edition shall be used to determine storm drainage runoff.
13. Prior to commencement of any clearing and grading or excavation resulting in a land disturbance of one (1) acres or more, the developer shall submit evidence to the City that a notice of Intent (NOI) has been submitted to the State Regional Water Quality Control Board.
14. The project plans shall include storm water pollution prevention and control measures for the operation and maintenance of the project during and after construction for review and

approval of the City Engineer. The project plan shall identify Best Management Practices (BMPs) appropriate to the uses conducted onsite to effectively prevent the entry of pollutants into storm water runoff. An inline treatment system may be installed along with the storm drain system, but it must include a provision for oil sorbent material to remove oil and grease from storm water runoff. The developer shall prepare a Maintenance Agreement (An example of a maintenance agreement is available on the web at: <http://www.stormwatercenter.net>) and the maintenance agreement shall be recorded with the Alameda County Records Office to ensure that the responsibility for maintenance is bound to the property in perpetuity. The developer shall also provide a statement formally transferring responsibility for maintenance and operation of the system to the Homeowners Association at the completion of the project.

15. The project plan measures shall also include erosion control measures to prevent soil, dirt, debris and contaminated materials from entering the storm drain system, in accordance with the regulations outlined in the ABAG Erosion and Sediment Control Handbook.
16. The applicant/developer is responsible for ensuring that all contractors are aware of all storm water quality measures and implement such measures. Failure to comply with the approved construction BMPs will result in the issuance of correction notices, citations or a project stop order.
17. The project shall not block runoff from, or augment runoff to, adjacent properties. The drainage area map developed for the hydrology design shall clearly indicate all areas tributary to the project area. The developer is required to mitigate augmented runoffs with off-site and/or on-site improvements.
18. All storm drain inlets must be labeled "No Dumping - Drains to Bay" using City approved methods.

Sanitary Sewer System

19. The sanitary sewer system shall be publicly owned and maintained and designed in accordance with the City of Hayward standard details.
20. Onsite sanitary sewer mains shall be located 6 feet from the face of curb within the private driveway.
21. Each residential unit shall have a separate sanitary sewer lateral.
22. All existing sanitary sewer laterals that are not to be reused shall be abandoned. The laterals shall be severed at the sewer main and the wyes shall be plugged using a mechanical plug. This work shall be done by City forces and will be paid for by the developer.

Water System

23. Water service is available subject to standard conditions and fees in effect at the time of

application.

24. Water services shall be located 6 feet from sanitary sewer laterals.
25. Each residential unit shall be individually metered. The developer shall install individual radio read water meters.
26. All existing water services to be abandoned shall be abandoned by turning off the corporation stop and cutting the existing line. This work shall be done under the direct supervision of the City Inspector.

Fire Protection

27. Fire Department requirements shall be as follows:

ACCESS REQUIREMENTS

- a. The private driveway is shown on the plan with a 24 foot roadway width. This driveway shall be posted as a fire lane and no parking of vehicles shall be allowed on either side. Red-curbing will be required for the entire length of the driveway. Signs shall be posted to allow towing of illegally parked vehicles to ensure adequate fire truck access.
- b. The private driveway shall be designed and engineered to withstand 50,000 lbs. GVW of fire apparatus. In addition, where pavers or decorative concrete is being used, the installation shall also meet the same engineering and design.
- c. Addressing of the buildings shall be in agreement with the Hayward Fire Department. All buildings shall have legible and visible address numbers installed so as to be visible from the street. Minimum address numbers and locations of address numbers shall be determined by the Hayward Fire Department.

WATER SUPPLY

- d. One new fire hydrant shall be installed along the private driveway within the development. The type of fire hydrant shall be a double steamer, capable of flowing 1500 GPM at 20 PSI for a 2-hour duration (includes allowance granted 50% for fire sprinklers). The design and layout of the hydrants shall be reviewed and approved by the Fire Department prior to construction.
- e. Blue reflective pavement markers shall be installed at fire hydrant locations.
- f. If fire hydrants are located so as to be subjected to vehicle impact, crash posts shall be installed around the fire hydrant(s).
- g. Fire hydrants for the development shall be operational and in-service prior to the start of any combustible construction and /or storage of combustible construction materials.

BUILDING CONSTRUCTION

- h. All buildings shown are three story condominiums, with an Occupancy classification for the buildings of R-1.
- i. All buildings shall be reviewed by the City's Fire and Building Departments and

additional construction requirements may be imposed at time of plan check.

FIRE PROTECTION

- j. Each building shall have an automatic fire sprinkler systems installed in conformance with NFPA13 Standards, with individual meters. Each building shall have fire sprinkler protection within the garage and attic areas.
- k. Each building shall have a dedicated underground fire service line installed to support the fire sprinkler system. Fire department connection for the line shall be located at the street, or in a location as approved by the Fire Department.
- l. Control valves for each fire sprinkler system shall be locked in the open position with a chain and breakaway type lock.
- m. Each building shall have a local (exterior) alarm bell installed in an approved location and an interior alarm notification device that will activate upon fire sprinkler system waterflow.
- n. If a building system includes over 100 heads, central station monitoring will be required for the fire sprinkler systems.
- o. Smoke detectors shall be installed in each dwelling unit. Installation of the smoke detectors shall meet the State of California Building Code and shall be hard wired electrically with battery back up.

HAZARDOUS MATERIALS

- 28. Obtain an *Environmental and Health Based Clearance* from the California Regional Water Control Board – San Francisco Bay Region prior to the start of construction.
- 29. The developer shall provide an on-site qualified specialist to monitor for additional contamination. The qualified specialist shall be approved by the Hazardous Materials Office. If additional contamination is found during the demolition, grading or construction phases of the project, cease work and contact the Fire Department, Hazardous Materials Office.

Utilities

- 30. All service to dwellings shall be an "underground service" designed and installed in accordance with the Pacific Gas and Electric Company, SBC (phone) Company and local cable company regulations, including transformers.
- 31. All utilities, including water mains, located underneath decorative paving or "turf block" shall be encased in steel sleeves.
- 32. All surface-mounted hardware (fire hydrants, electroliers, etc.) along the proposed driveway or public streets shall be located outside of the sidewalk within the Public Utility Easement in accordance with the requirements of the City Engineer or, where applicable, the Hayward Fire Chief.
- 33. All utilities shall be designed in accordance with the requirements of the City of Hayward

and applicable public agency standards.

Landscaping and Irrigation

34. Prior to the approval of improvement plans, or issuance of the first building permit, detailed landscaping and irrigation plans for all common areas shall be prepared by a licensed landscape architect and submitted for review and approval by the City. Landscaping and irrigation plans shall comply with the City's *Water Efficient Landscape Ordinance*.
35. Landscape improvements shall be installed according to the approved plans and a Certificate of Substantial Completion, and an Irrigation Schedule shall be submitted prior to the issuance of a Certificate of Occupancy. Landscaping shall be designed and installed so that buildings can be finished as a unit.
36. Landscaping shall be maintained in a healthy, weed-free condition at all times. Plants shall be replaced when necessary. Required street, parking lot and buffer trees that are severely topped or pruned shall be replaced immediately, as determined by the City Landscape Architect.
37. Prior to the sale of any individual unit/lot, or prior to the acceptance of tract improvements, whichever first occurs, a homeowners' association shall be created to maintain the common area landscaping and open space amenities. Each owner shall automatically become a member of the association and shall be subject to a proportionate share of maintenance expenses. A reserve fund shall be maintained to cover the costs of replacement and repair of all improvements shown on the approved plans.
38. A covenant or deed restriction shall be recorded requiring the Homeowners Association to properly maintain the common landscaping and street trees, and to replace any dead or dying plant material (over 30% of the plant dead) within 10 days of first notification.
39. Park Dedication In-Lieu Fees are required for all new dwelling units.
40. A separate tree removal permit is required prior to the removal of any tree. Replacement trees shall be required for any trees removed, as determined by the City Landscape Architect and the Tree Preservation Ordinance.
41. A landscape feature shall be provided between each set of garage doors. The final layout and planting materials shall be approved by the City Landscape Architect.
42. Where trellises are provided, lattice-work or other permanent methods shall be provided to allow vines to climb on the trellis work. Plant material shall be placed so as to screen all utilities without obstructing house numbers, signs, fire connections or other required visual cues.
43. Street Trees. All existing street trees shall be protected in place. New street trees shall be of the same variety and structure to match existing street trees. Street trees shall be one

for every 20 – 40 feet of frontage. The trees shall be 20 feet from the corner, 20 feet from a light pole and 5 feet from any utility. Trees shall be planted according to the City Standard Detail SD-122. An additional Magnolia tree shall be planted along the D Street frontage, west of the driveway, at a location approved by the City Landscape Architect and City Engineer.

44. The private yard or terrace of each unit shall be provided with a hose bib.
45. Minimum landscape areas shall be 5 feet in any direction. Upright trees shall be planted in the areas between the units. The size and variety of trees shall be approved by the City Landscape Architect.

Walls, Fences, Trellises and Entry Features

46. Walls and fences shall be designed with decorative features, which may include a molded cap, pilasters and finials.
47. Solid building walls and/or fences facing a street or driveway shall be buffered with continuous shrubs or vines.

Dedications, Easements and Encroachment Permits

48. The final map shall reflect:
- a. All easements needed to accommodate the public portions of the sanitary sewer and water systems that are outside of the private driveway. The easements shall be a minimum of 12 feet wide.
 - b. All abandonment's and granting of public right-of-way along the peripheral streets
49. Prior to the approval of the final map, all documents that need to be recorded with the final map, shall be approved by the City Engineer and any unpaid invoices or other outstanding charges accrued to the City for the processing of the subdivision application shall be paid.
50. An encroachment permit shall be obtained by the Developer/Contractor prior to commencement of any work within the public right-of-way of any of the 4 peripheral streets.

Subdivision Agreement

51. Execute a subdivision agreement and post bonds with the City that shall secure the construction of the public improvements per Section 10-3.332, Security for Installation of Improvements, of the Municipal Code. Insurance shall be provided per the terms of the subdivision agreement.

PRIOR TO CONSTRUCTION WITH COMBUSTIBLE MATERIALS

52. Required water system improvements shall be completed and operational prior to the start

of combustible construction.

DURING CONSTRUCTION

53. The following control measures for construction noise, grading and construction activities shall be adhered to, unless otherwise approved by the Planning Director or City Engineer:

- a. Grading and construction activities shall be limited to the hours 8:00 AM to 5:00 PM on weekdays; there shall be no grading or construction activities on the weekend or national holidays;
- b. Grading and construction equipment shall be properly muffled;
- c. Unnecessary idling of grading and construction equipment is prohibited;
- d. Stationary noise-generating construction equipment, such as compressors, shall be located as far as practical from occupied residential housing units;
- e. Applicant/developer shall designate a "noise disturbance coordinator" who will be responsible for responding to any local complaints about construction noise;
- f. The developer shall participate in the City's recycling program during construction.
- g. Daily clean up of trash and debris shall occur along all 4 peripheral streets;
- h. The site shall be watered twice daily during site grading and earth removal work, or at other times as may be needed to control dust emissions;
- i. All grading and earth removal work shall follow remediation plan requirements, if soil contamination is found to exist on the site;
- j. Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites;
- k. Sweep daily (with water sweepers) all paved access roads, parking areas and staging areas at construction sites;
- l. Apply (non-toxic) soil stabilizers or hydroseed to inactive construction areas (previously graded areas inactive for 10-days or more);
- m. Enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.).
- n. Gather all construction debris on a regular basis and place them in a dumpster or other container that is emptied or removed on a weekly basis. When appropriate, use tarps on the ground to collect fallen debris or splatters that could contribute to storm water pollution;

- o. Remove all dirt, gravel, rubbish, refuse and green waste from the sidewalk, street pavement, and storm drain system adjoining the project site. During wet weather, avoid driving vehicles off paved areas and other outdoor work;
 - p. Broom sweep the sidewalk and public street pavement adjoining the project site on a daily basis. Caked on mud or dirt shall be scraped from these areas before sweeping;
 - q. No site grading shall occur during the rainy season, between October 15 and April 15, unless approved erosion control measures are in place.
 - r. Install filter materials (such as sandbags, filter fabric, etc.) at the storm drain inlet nearest the downstream side of the project site prior to: 1) start of the rainy season; 2) site dewatering activities; or 3) street washing activities; and 4) saw cutting asphalt or concrete, or in order to retain any debris or dirt flowing into the City storm drain system. Filter materials shall be maintained and/or replaced as necessary to ensure effectiveness and prevent street flooding. Dispose of filter particles in the trash;
 - s. Create a contained and covered area on the site for the storage of bags of cement, paints, flammables, oils, fertilizers, pesticides or any other materials used on the project site that have the potential for being discharged to the storm drain system through being windblown or in the event of a material spill;
 - t. Never clean machinery, tools, brushes, etc., or rinse containers into a street, gutter, storm drain or stream. See *"Building Maintenance/Remodeling"* flyer for more information;
 - u. Ensure that concrete/gunite supply trucks or concrete/plasters finishing operations do not discharge washwater into street gutters or drains; and
 - v. The applicant/developer shall immediately report any soil or water contamination noticed during construction to the City Fire Department Hazardous Materials Division, the Alameda County Department of Health and the Regional Water Quality Control Board.
54. A representative of the soils engineer shall be on the site during grading operations and shall perform such testing as deemed necessary by the City Engineer. The representative of the soils engineer shall observe grading operations with recommended corrective measures given to the contractor and the City Engineer.
55. The minimum soils sampling and testing frequency shall conform to Chapter 8 of the Caltrans Construction Manual. The subdivider shall require the soils engineer to daily submit all testing and sampling and reports to the City Engineer.

PRIOR TO CONNECTION OF UTILITIES AND ISSUANCE OF CERTIFICATES OF OCCUPANCY

56. The applicant/developer shall pay the following fees;

- a. Supplemental Building Construction and Improvement Tax;
- b. School Tax; and
- c. Park Dedication in-lieu fees for each unit. The amount of the fee shall be in accordance with the fee schedule in effect at the time the vesting tentative map was accepted as complete.
- d. Water Facilities Fee and Sewer Connection Fee for each dwelling unit at the rate in effect when the utility service permit for the dwelling unit is issued.

57. A reduced pressure backflow preventer shall be installed behind the water meter per City of Hayward Standard Detail 202.

58. Prior to granting occupancy, water services shall be installed by City crews at the developer's expense. The application for water services shall be presented to the City Inspector.

59. Prior to the City setting the water meters, the subdivider shall provide the Water Department with certified costs covering the installation of the public water mains and appurtenances.

60. All common area landscaping, irrigation and other required improvements shall be installed according to the approved plans.

61. The street light electroliers shall be in operating condition as approved by the City Engineer.

PRIOR TO CITY APPROVAL OF THE TRACT IMPROVEMENTS AS BEING COMPLETED

62. All tract improvements, including the complete installation of all improvements relative to streets, fencing, sanitary sewer, storm drainage, water system, underground utilities, etc., shall be completed and attested to by the City Engineer before approval of occupancy of any unit. Where facilities of other agencies are involved, such installation shall be verified as having been completed and accepted by those agencies.

63. All common area landscaping, irrigation and other required improvements shall be installed prior to acceptance of tract improvements, or occupancy of 80 percent of the dwelling units, whichever first occurs.

64. The improvements associated with the Pacific Gas and Electric Company, SBC (phone) company and local cable company shall be installed to the satisfaction of the respective companies.

65. The subdivider shall submit an "as built" plan indicating the following:

- a. All the underground facilities, sanitary sewer mains and laterals, water services (including meter locations), Pacific Gas and Electric, SBC (phone) facilities, local cable company, etc; and;
- b. All the site improvements, except landscaping species, buildings and appurtenant structures.

A requirement that the homeowners association reserves the right to grant access rights to the Heringer parcel in the event the parcel becomes available and is developed with a condominium building similar to the surrounding complex.

A requirement that the homeowners association and CC&R's can be modified to include additional units and property owners in the event the Heringer parcel is redeveloped with condominium units similar to the surrounding complex.